

To: Brett.Fishwild@CH2M.com[Brett.Fishwild@CH2M.com];
madelyn.smith@epa.ohio.gov[madelyn.smith@epa.ohio.gov]
From: Patterson, Leslie
Sent: Tue 2/18/2014 11:25:42 PM
Subject: RE: South Dayton Dump - ARAR's comment for exposed waste in OU2

Yes, it's good to think about this now, but I think there's a slightly different question in front of us now. The record indicates (to me) that we planned to do the risk assessment to establish unacceptable risks in OU2 before determining ARARS. From our earlier conversations, it sounds like we know we have that based on data already collected, so it would be a matter of doing the risk assessment that documents unacceptable risks and getting that in the record. When we've established that we can require a remedy, and then the questions about what kind of landfill it is and what ARARs apply come into play.

The decision about the waste/fill in OU2 that we have right now is whether we want to scrap the above approach and combine that area into the presumptive remedy area, effectively redefining OU1. I'm still grappling with how best to handle that question.

Leslie Patterson

Remedial Project Manager

U. S. Environmental Protection Agency, Region 5

Superfund Remedial Response, SR-6J

77 West Jackson Boulevard

Chicago, IL 60604

tel: (312) 886-4904

fax: (312) 692-2491

patterson.leslie@epa.gov

From: Brett.Fishwild@CH2M.com [mailto:Brett.Fishwild@CH2M.com]
Sent: Tuesday, February 18, 2014 5:08 PM
To: Patterson, Leslie; madelyn.smith@epa.ohio.gov
Subject: RE: South Dayton Dump - ARAR's comment for exposed waste in OU2

Correct.

So this means that a) we stick to the original assumption that merely having municipal waste in a portion of a landfill makes the entire landfill a municipal landfill – then a direct exposure barrier is likely needed. Or b) even if all parties agree for some reason to consider the landfill a construction/demo landfill (which is not supported by the current data), then they would still need a cover, just perhaps not necessarily a hazardous waste cap in that circumstance.

This is an Ohio regulation we found, so we should have Maddie track that down with the waste people to ensure we are interpreting that correctly.

Thank you.

From: Patterson, Leslie [<mailto:patterson.leslie@epa.gov>]
Sent: Tuesday, February 18, 2014 5:48 PM
To: Fishwild, Brett/DAY; madelyn.smith@epa.ohio.gov
Subject: RE: South Dayton Dump - ARAR's comment for exposed waste in OU2

Hi Brett,

Those requirements are for a different kind of cap than what a municipal and/or industrial landfill would need, right?

Leslie Patterson

Remedial Project Manager

U. S. Environmental Protection Agency, Region 5

Superfund Remedial Response, SR-6J

77 West Jackson Boulevard

Chicago, IL 60604

tel: (312) 886-4904

fax: (312) 692-2491

patterson.leslie@epa.gov

From: Brett.Fishwild@CH2M.com [<mailto:Brett.Fishwild@CH2M.com>]

Sent: Tuesday, February 18, 2014 2:56 PM

To: Patterson, Leslie; madelyn.smith@epa.ohio.gov

Subject: South Dayton Dump - ARAR's comment for exposed waste in OU2

Leslie,

As you may recall, we still have the unresolved issue of how to handle the exposed waste and fill in OU2. We presented our thoughts on this matter in our first set of review comments; however, we have since found additional information for you to consider.

Dave Boehnker came across an Ohio regulation that pertains to this situation. For construction and demolition landfills, Ohio OAC regulations (see reference below) require a cap of either 18-inches of compacted soil or a dense vegetative cap consisting of 6-inches of soil and grass or dense vegetation. This isn't a risk issue or something to be solved by a risk assessment, but a state closure requirement after a construction/demo landfill has stopped accepting waste. As CRA has often tried to characterize the waste at SDD as construction and demo fill and would not need an exposure barrier, this regulation would seem to put them in the same place anyway. Maddie, perhaps you can check with your waste people to see if we interpreted this correctly?

See Ohio regulations:

- 3745-400-12E8(a)
- 3745-400-07

On the other hand, our ARARs expert suggested in our previous comments that the waste that happens to be in OU2 is bound by whatever ARARs apply to the OU1 area since it's all the same landfill.

Please let us know your thoughts on this matter so we can support the path forward in whatever manner EPA decides to pursue.

Thank you.

Brett A. Fishwild

Associate Project Manager

Geologist

CH2M HILL

1 South Main Street

Suite 1100

Dayton, OH 45402

Direct 937.220.2955

eFax 937.234.6157

Mobile 515.991.2404

www.ch2mhill.com